

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Shari T. Wilson, Secretary

BILL NO: House Bill 1263

COMMITTEE: Education, Health and Environmental Affairs

POSITION: Support

TITLE: Mercury Switch Removal from Vehicles

BILL ANALYSIS: This bill requires motor vehicle manufacturers, individually or as a group, who sold vehicles in Maryland that contained mercury switches to develop and submit to the Department, on or before September 30, 2009, a mercury minimization plan that includes information on mercury switch removal from motor vehicles. If a vehicle manufacturer already has processes and procedures in place that meet or exceed the requirements, those processes and procedures may be acceptable. The Department may approve, disapprove, or conditionally approve the mercury minimization plan within 90 days after receiving it from a manufacturer. The vehicle manufacturer would be required to implement the plan within 30 days after submittal of the plan, unless directed otherwise by the Department. On or before January 31st of each year, a vehicle manufacturer must report to the Department concerning the implementation of the mercury minimization plan. The legislation would require a capture rate of at least 90 percent for the previous calendar year.

The legislation also requires, on or after December 1, 2009, a vehicle recycler that conveys ownership of an end-of-life vehicle to a scrap recycling facility for recycling to remove mercury switches or switch assemblies: 1) before the end-of-life vehicle is delivered to a scrap recycling facility; 2) at the time the vehicle is processed, but not later than 180 days after receipt of the vehicle; and 3) on or before December 31, 2010, from the vehicle recycler's inventory in existence as of September 30, 2009. Vehicle recyclers and scrap recycling facilities must maintain electronic records of mercury switch removal from end-of-life vehicles for 3 years.

Manufacturers would be required to pay a minimum of \$4 for each mercury light switch and \$6 for each antilock braking switch removed by a vehicle recycler or scrap recycling facility as partial compensation for labor and other costs incurred by these facilities in the removal of switches or assemblies, and \$1 for each switch or assembly removed by a vehicle recycler or scrap recycling facility as partial compensation for the Department's costs in administering and enforcing the legislation.

The Department would be required to report, on or before October 1 each year, to the General Assembly, on mercury switch recovery, the capture rate achieved, revenue and expenditures of the State Recycling Trust Fund related to the Act, and any improvements necessary to increase the capture rate. After December 1, 2011, the Department may propose new strategies to increase switch removal and recycling and for funding. The Department may discontinue the requirement for the manufacturer's annual report if it determines that mercury switches in end-of-life vehicles will, by the end of December 2020, no longer pose a significant threat to the environment or public health.

POSITION AND RATIONALE: The Department supports House Bill 1263. In January 2007, Maryland entered the voluntary National Vehicle Mercury Switch Recovery Program (NVMSRP). This program was formed as a result of an August 2006 agreement by representatives of EPA, vehicle manufacturers, the American Iron and Steel Institute, the Steel Manufacturers Association, the Institute of Scrap Recycling Industries, the Automotive Recyclers Association, Environmental Defense, the Ecology Center (Ann Arbor), and representatives of the Environmental Council of the States. The NVMSRP is designed to remove mercury-containing light switches from scrap vehicles before the vehicles are flattened, shredded, and melted to make new steel and to maximize mercury vehicle switch collection and recycling nationally. The NVMSRP pays \$4 per mercury light switch or assembly received (switches do not need to be removed from the assemblies), and \$6 per anti-lock braking system module received from vehicle and scrap recyclers. The only cost to the vehicle and scrap recyclers is the labor associated with removing the switches. All costs associated with packaging, shipping, and recycling of the switches is borne by the NVMSRP partners. The NVMSRP is the base national program for collection and recycling of mercury vehicle switches and switch

assemblies. Every state except Maine has joined the NVMSRP. The NVMSRP is currently being evaluated by the partners to determine its effectiveness and any changes that might be necessary to increase removal of mercury vehicle switches. As of March 31, 2009, 78 of a possible 152 recyclers and dismantlers in Maryland are participating in the NVMSRP and have collected 6,648 switches resulting in 14.63 pounds of mercury being removed from the environment.

The bill would require Maryland vehicle recyclers and scrap recycling facilities to ensure removal, collection, recovery, and proper management of mercury switches and switch assemblies, including all mercury switches and switch assemblies in the recycler's inventory existing on September 30, 2009. This will, in effect, "catch up" removal of switches that would have been available from end-of-life vehicles for the past 2 ½ years of the NVMSRP. Also, beginning December 1, 2009, within 180 days of receipt of an end-of-life vehicle, a vehicle recycler must remove all mercury switches and switch assemblies for recycling from each end-of-life vehicle. The bill directs the manufacturer's fee to the State Recycling Trust Fund so that the Department may administer and enforce the provisions. The required annual report by the Department to the General Assembly will demonstrate the extent of mercury switches recovered so that it can be determined when the capture rate goal of 90 percent has been reached. The bill's provisions ensure that in the absence of the current NVMSRP, that mercury minimization plans are implemented and necessary mechanisms are in place to carry meet the capture rate goal.

By reducing mercury in scrap vehicles that are recycled for their steel in steel mills, air emissions of mercury will be reduced, thus decreasing the atmospheric deposition of mercury into Maryland waterways and reducing toxic emissions that can be inhaled. In addition, runoff-containing mercury from auto salvage yards will be reduced. Contaminated runoff and atmospheric deposition of mercury has contributed to MDE's issuance of Chesapeake Bay watershed fish consumption advisories in recent years.

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